IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE A.GOPAL REDDY**

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**WRIT PETITION NO : 15278 of 2004**

Between:

Dhana Laxmi Samabhavana Sangam,

Fair Price Shop Dealer, Pothunur Village,
Peddavoora Mandal of Nalgonda District,

rep by its Group Leader,

Smt. T.Kamalamma, W/o. Laxmaiah,

Aged about 35 years. **..... PETITIONER**

AND

1.The Revenue Divisional Officer,

Miryalaguda, Nalgonda District
2.The Mandal Revenue Officer,

Pedavoora Mandal, Nalgonda District. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of mandamus declaring the notification No.E2/1683/2004 dt. .06.2004 issued by the 1st respondent in so far as the petitioner's Fair Price shop is concerned i.e., shop of pothunur Village Pedavoora mandal of Nalgonda District as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents to continue the petitioner as F.P. Shop Dealer as usual since she is having valid and

subsisting authorization.

**Counsel for the Petitioner: MR.MUTHYALA MURALIDHAR**

**Counsel for the Respondents: GP FOR CIVIL SUPPLIES**

**The Court made the following :**

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**ORDER:**

The grievance of the petitioner is that she was appointed as fair price shop dealer on regular basis and the authorization issued in her favour was valid from 8-9-2003 to 31-3-2005 and that the first respondent has issued impugned notification notifying the petitioner's shop also inviting applications.

It is not stated by the petitioner that she was appointed as a fair price dealer on permanent basis after following the due procedure contemplated for such appointment by inviting the applications. The authorization granted in favour of the petitioner clearly discloses that it is temporary. Merely because the authorization is valid for a period of two years ending on 31-3-2005, that does not mean that the respondents are precluding from filling up the vacancy on permanent basis.

In view of the same, the notification issued by the respondents inviting applications for appointment of fair price shop dealer does not suffer from any legal infirmity. However, if the petitioner's appointment is on permanent basis and even then if the notification is called for, it is always open for the petitioner to approach the Collector with necessary evidence seeking interference in the matter and to continue the petitioner.

Writ Petition is accordingly disposed of. No costs.

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**26-8-2004**

**LUR**

Copy to:

1.The Revenue Divisional Officer,

Miryalaguda, Nalgonda District
2.The Mandal Revenue Officer,

Pedavoora Mandal, Nalgonda District.

3.Two CCs to the G.P. for Civil Supplies,

High Court Buildings, High Court of A.P.,

Hyderabad.

4.Two CD copies.